

III. Remarks

Claims 1–22 have been canceled, 23 has been amended and new claims 24–37 have been added. Support for claims 24–37 can be found in the following table.

<u>Claim No.</u>	<u>Support</u>
23 (as amended)	page 24, line 25 to page 25, line 5 page 25 lines 24–26
24	page 5, line 5
25	page 5, line 6
26	page 5, line 8
27	page 5, line 10
28	page 5, line 25
29	page 5, line 23
30	page 5, lines 31–32
31	original claim 15; page 6, lines 9–10
32	original claim 16; page 6, line 7
33	original claim 17; page 6, lines 7
34	original claim 18; page 19, lines 11–12
35	page 24, line 30 to page 25, line 3
36	page 25, line 5
37	page 23, lines 30–33

A. Claim Rejections Under 35 USC. § 112

Original claims 7–9, 11–12 and 14 were rejected under 35 U.S.C. 112, second paragraph because claims 7–9, 11–12 and 14 are indefinite because they recite the limitation “formula (I),” which is insufficient antecedent basis for this limitation in the claims because the claims are dependent on the amended claim 1.

These rejections have been mooted by the cancellation of claims 1–22.

B. Claim Rejections Under 35 USC. § 102(b)

Original claims 1–5, 13, 15, 17–22 and 23 were rejected under 35 U.S.C. §102(b) as being anticipated by Madrange et al. (US 5,143,518) in view of Cotteret et al. (US 5,735, 908). Applicants respectfully submit the above rejection fails to meet the requirements for a *prima facie* case of anticipation because the law of anticipation requires the

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presence in a ***single prior art reference*** disclosure of each and every element of the claimed invention, arranged as in the claim. (*emphasis added*) *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 U.S.P.Q. (BNA) 193 (Fed. Cir. 1983); *SSIH Equip. S.A. v. USITC*, 718 F.2d 365, 218 U.S.P.Q. (BNA) 678 (Fed Cir.1983).

Applicants further submit that the above rejection could not be applied to claims 23–38 as amended for the same reason as above.

Original claims 1, 13 and 15–19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Millequant et al (US 6,312,677). These rejections would not apply to claims 23–37 as amended because the rejections over Millequant did not include claim 23 as previously presented and claim 23 as amended is narrower than claim 23.

Furthermore, Millequant contains no teaching or suggestion of a two-component kit for coloring keratin fibers as claimed in claim 23 as amended.

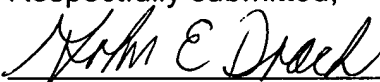
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IV. Conclusion

In view of the amendments and remarks above, Applicants ask for reconsideration and allowance of all pending claims. Should any fees be due for entry and consideration of this Amendment that have not been accounted for, the Commissioner is authorized to charge them to Deposit Account No. 04-1406.

Respectfully submitted,



John E. Drach
Registration No. 32,891
Dann Dorfman Herrell and Skillman
1601 Market Street
Suite 2400
Philadelphia, PA 19103-2307
Telephone: (215) 563-4100
Facsimile: (215) 563-4044

October 12, 2005

CORRESPONDENCE ADDRESS

Customer Number 000055495
Dann Dorfman Herrell and Skillman
1601 Market Street
Suite 2400
Philadelphia, PA 19103-2307